



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

24 JAN 2017

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6126 0839

**RECEIVED**

JAN 24 2017

**UTILITIES DEPT.**

Mr. Mark Simms  
Utilities Director  
City of Sioux City  
405 6<sup>th</sup> Street  
Sioux City, Iowa 51102

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act  
Response Required within 30 Days of Receipt**

Dear Mr. Simms:

On February 16-19, 2016, a representative of the U.S. Environmental Protection Agency audited the Sioux City, Iowa, Pretreatment Program. The Audit was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The Audit identified various implementation irregularities of the City's approved Pretreatment Program, and as a consequence, a Notice of Potential Violation was issued as part of the Audit. In response to the NOPV, the City submitted a letter on February 25, 2016, to the EPA outlining the corrective actions they intended to take to return its Pretreatment Program to compliance. The letter contained future completion dates and commitments including having documents submitted to the EPA as early as May 1, 2016; however, no documents were forthcoming. The EPA informally contacted the City during the summer of 2016 reminding them of their commitments. While some updates have been provided to the EPA, the City has not provided the EPA with all of the information it committed to submit in its February 25, 2016, letter. The EPA therefore issues this request for information pursuant to Section 308 of the CWA to obtain additional information regarding the status of the City's corrections to its Pretreatment Program.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251, *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the City of Sioux City to provide the information requested in **ENCLOSURE 1 within thirty (30) calendar days of receipt of this letter.**

**Guidance on How to Respond**

Please read the instructions and definitions included in ENCLOSURE 1 carefully before preparing your response. Answer each question as clearly and completely as possible. Please understand that all responses must be made truthfully and completely, and that all response are subject to the provisions of 18 U.S.C. § 1001 regarding false statements.



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Important Information about This Request and the Response

Please be advised that submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves its right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA.

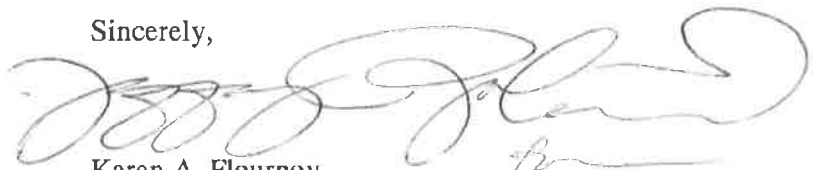
The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the City. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request must be received by the EPA within thirty (30) calendar days of your receipt of this letter. The EPA advises that you mail your response in a manner that allows you to track and confirm delivery. Your response should be addressed and sent to:

Diane Huffman, Chief  
Water Enforcement Branch  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Blvd.  
Lenexa, Kansas 66219

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Mr. Paul Marshall, the EPA Region 7 Pretreatment Coordinator, at (913) 551-7419.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karen A. Flourney', with a stylized flourish at the end.

Karen A. Flourney  
Director  
Water, Wetlands and Pesticides Division

Enclosures

cc: Ted Petersen, Iowa Dept. of Natural Resources  
Ken Hessenius, Iowa Dept. of Natural Resources, FO3

### **Pretreatment Program Implementation Activities**

3. Provide a copy of the City's modified Enforcement Response Plan that shows the corrected list of persons and positions responsible for conducting the enforcement actions enumerated in the ERP.
4. If the ERP has been approved by the City Council, please provide proof of its approval.
5. If the ERP has been approved by the City Council, provide copies of all certification statements from industries indicating that they have received, read and understand the ERP and its intent.
6. Identify by name and title each person who has been designated as back-up staff for the Pretreatment Manager. Identify all instances of training received by the designated back-up staff.
7. Provide a table of all violations by all SIUs since January 1, 2016, and for each violation indicate how the City implemented the process for taking enforcement actions described in paragraph 2.d. of the City's February 2016 letter. Specifically, provide the date and recommendation "made by the Pretreatment Manager or designated staff to the Director after review by the Wastewater Treatment Superintendent." Indicate the enforcement action that was finally taken and the date on which it was taken and provide a copy of the pretreatment file documentation for any "negotiation or modification of the issued enforcement actions." If a penalty was issued, indicate the amount and if it was collected.
8. With regard to paragraph 2 of the City's February 2016 letter, describe all actions taken to improve communication between the Pretreatment Manager, the Wastewater Treatment Plant Superintendent and City officials outside of the Pretreatment Program.
9. Provide a summary of the results of the review of all industrial files for 2013 and 2014, as discussed in paragraph 3.a. of the February 2016 letter, to determine if the proper compliance status had been made. Provide a copy of any modified annual reports to IDNR as a result of this review, and a copy of each letter sent to an SIU that notifies it of its reporting requirements and the requirements of the City to pursue enforcement action in the event of reporting noncompliance.
10. Provide a copy of each public notice for an SIU found to be in SNC:
  - a. for calendar years 2013 and 2014 from the review of industrial files noted in Paragraph 9, above; and
  - b. for the calendar year 2015 annual Pretreatment report submitted to IDNR.
11. Describe the method the City will use to evaluate its need for additional staff to maintain the approved Pretreatment Program, the FOG program and the continuation of the collection system analysis. Indicate how many FTEs the City currently has dedicated to these programs and how many the City believes it will need over the course of the next five years.
12. Describe and provide the date(s) for any training completed by the Laboratory Supervisor and the Environmental Services Analyst to prepare them to conduct industrial inspections. Please indicate whether additional staff has been considered for or been provided with this training.
13. Provide the name and date of each SIU inspection conducted in calendar year 2016.

14. Provide a list of the name and date of each City sampling events at a Categorical SIUs during calendar year 2016.
15. Provide a list of all potential industrial sources that were sent an Industrial Waste Survey form, as indicated in paragraph 5 of the City's February 2016 letter, that indicates:
  - a. whether the form was returned;
  - b. whether the City has reviewed and made a determination, and if so, provide the determination;
  - c. whether the City has determined that a follow-up site visit is needed, and when it was or will occur; and
  - d. indicate when the City will complete the Industrial Waste Stream Survey process.

## ENCLOSURE 1

### INFORMATION REQUEST

RE: City of Sioux City, Iowa Pretreatment Program

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

#### I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience, the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
5. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by the means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. Please be advised that submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves its right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA.
7. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.

8. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Diane Huffman, Chief  
Water Enforcement Branch  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Blvd.  
Lenexa, Kansas 66219

## **II. Definitions**

All terms used in this request, which are not defined below shall be defined as they are defined at 33 U.S.C. § 1362 and 40 C.F.R. §§122.2 and 403.3. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Information Request:

- A. "City" shall mean the City of Sioux City, Iowa.
- B. "IDNR" means the Iowa Department of Natural Resources.
- C. "Publicly Owned Treatment Works" or "POTW" shall mean a publicly owned treatment works or POTW as defined in 40 C.F.R. § 403.3 (o).
- D. "Waste Water Treatment Plant" or "WWTP" shall mean, for purposes of this Information Request, the portion of the City's physical, chemical and/or biological wastewater treatment processes from the headworks to the point of discharge.

## **III. Requested Information**

Your response to this Information Request is due within thirty (30) days of receipt of this letter. Please clearly identify your responses with a numbering system corresponding to the questions as listed below. (*See, Section I, Instructions.*) Should the City not have the information requested, you must provide a response stating the City has no such information, documentation, records, etc. This is required for each numbered or lettered question to which the City is unable to provide the requested information.

Note that except for a cover letter or memorandum and the Statement of Certification, (i) only copies, and not original documents, should be submitted pursuant to this request, and (ii) it is preferred that documents and data be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

### **Preliminary Information and Instructions**

- 1. Identify the person to contact regarding your response, including title, address and phone number.
- 2. Your responses to the questions are to be provided by a qualified city employee or an official agent of the City, such as a consulting engineer. Provide the name and credentials of the person(s) providing information in response to this Information Request.

## ENCLOSURE 2

### STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Mark Simon  
Signature

2-27-17  
Date

Mark Simon  
Printed Name

Utilities Director, City of Santa Cruz, CA  
Title

#### **Sec. 122.22(a). Signatories to permit applications and reports.**

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

## Pretreatment Program Implementation Activities Question Responses

### Question #6: Designated “back-up” staff and training to WWTP Pretreatment Manager

Mrs. Vicki Baker, WWTP Laboratory Manager has served as the “Interim Pretreatment Manager” during extended absences of the current Pretreatment Manager. Instances of FMLA have resulted in Mrs. Baker being temporarily appointed to this duty. Documented training for Mrs. Baker is shown in the IDNR record below.

| Operator ID | First Name | Last Name | Nick Name |
|-------------|------------|-----------|-----------|
| 9513        | VICKI      | BAKER     |           |

Certificates

Applications

Employment

CEU

Contacts

**Continuing Education Units - Active**

*Note: The following list contains continuing education hour's that have been reported to the IDNR as of today.*  
*Note: Training courses in red are considered to be safety courses by the IDNR.*  
*Reminder: DW & WA Operators: Only 20% of the renewal CEU requirement can be in safety.*

10 Contact hours = 1 CEU

| Class Description   | Location    | Date       | Type | CEUs  | End of CEU Period |
|---|-------------|------------|------|-------|-------------------|
| ACTIVATED SLUDGE IN HOUSE TRAINING  | SILOUX CITY | 10/15/2015 | WW   | 0.200 | 03/31/2017        |
| ACTIVATED SLUDGE MLE TRAINING   | SILOUX CITY | 08/12/2015 | WW   | 0.700 | 03/31/2017        |
| AOCs IAWEA AWWA ANALYTICAL CHEMISTRY, LABORATORY AND INDUSTRIAL PRETREATMENT CONFERENCE | ANKENY      | 05/19/2016 | WW   | 0.500 | 03/31/2017        |
| 2015 LABORATORY SYMPOSIUM   | ANKENY      | 09/29/2015 | WW   | 0.500 | 03/31/2017        |

**Continuing Education Units - History**

| Class Description   | Location    | Date       | Type | CEUs  |
|---|-------------|------------|------|-------|
| 2015 INDUSTRIAL PRETREATMENT, LABORATORY AND RESEARCH MEETING | ANKENY      | 03/23/2015 | WW   | 0.500 |
| 2015 PRETREATMENT WASTEWATER & COLLECTION SYSTEM CONFERENCE   | SILOUX CITY | 02/11/2015 | WW   | 1.100 |
| IAWEA & AWWA PRETREATMENT, LABORATORY & RESEARCH CONFERENCE   | ANKENY      | 03/18/2014 | WW   | 0.500 |
| WASTEWATER, PRETREATMENT, & COLLECTION SYSTEM CONFERENCE      | SILOUX CITY | 02/12/2014 | WW   | 1.000 |
| REGION 4 IAWEA SPRING MEETING                                 | CARSON      | 04/05/2013 | WW   | 0.500 |
| 2012 INDUSTRIAL PRETREATMENT & LAB CONFERENCE                 | ANKENY      | 04/09/2012 | WW   | 0.500 |

In addition to this formal training, Mrs. Baker routinely works with the Pretreatment Manager in their day-to-day tasking's to ensure flow of information. Mrs. Baker is able to complete annual industrial inspections, spill investigations, and compliance testing. She is also capable of completing industrial billing and issue enforcement actions, if necessary. This training has occurred over a number of instances and investigations related to suspect industrial discharges, collection system sampling, lift station sampling and regulatory review for compliance of implementation. Having Mrs. Baker serve in this role provides a layer of redundancy, improves communication, and relieves the Pretreatment Program of the stress of having the Pretreatment Manager off-site. These all lend value to the program.

#### Pretreatment Interns:

1. An intern for the FOG Program began duties on June 20, 2016.
2. An intern for the Pretreatment Program assisted the program from June into August of 2016.
3. An intern for the Pretreatment Program is currently working in support of the program, beginning duties on January 27, 2017.

Each intern “tags along” with the Manager or Lab Supervisor routinely during the day to provide support and assistance. The interns are area college students.

#### Approval for additional position:

The FY2018 operating budget, which begins July 1, 2017 includes a request for a full-time Compliance Technician. This position will assist both the Pretreatment and FOG Programs, and will be trained to



complete inspections with the Pretreatment Program. A *draft* (unapproved) job description for this position is attached. The new position has been approved and the budget will be certified in late March. At that time the position description will be finalized and the process to hire someone to fill this role will take place. Once this position has been filled a re-evaluation of the Intern Program will be made. This may result in changes to the internship staffing.

Question 7: Please see table below showing violations that have been issued during the 2016 calendar year.

| <b>2016</b>          | <b>Type of Violation</b>           | <b>Notification</b> | <b>Fine</b>        |
|----------------------|------------------------------------|---------------------|--------------------|
| <b>Nutra Flo</b>     | <b>Discharge Permit Violation</b>  | <b>NOV</b>          |                    |
| <b>Sioux Plating</b> | <b>Reporting/Sampling Deadline</b> | <b>SNC</b>          | <b>\$6,100.000</b> |

Following violation identification, the Pretreatment Manager, with communication to the WWTP Superintendent and Utilities Director issued all violations. There were no modifications to the issued enforcement actions. Sioux Plating shall be published in the Sioux City Journal for violations in 2016.

Question 8: Various efforts have been undertaken to strengthen communication at all levels. As outlined in the February 6, 2017 letter numerous opportunities are in place for communication. Email, telephone, unscheduled, and scheduled meetings of routine or special nature are available at all times and are not discouraged in any way.

Question 9: Summary of the results of the review of all industrial files for 2013 and 2014 is shown below.

| <b>2013</b>       | <b>Type of Violation</b> | <b>Notification</b> | <b>2014</b>          | <b>Type of Violation</b> | <b>Notification</b> |
|-------------------|--------------------------|---------------------|----------------------|--------------------------|---------------------|
| FIMCO             | Reporting Deadline       | Email               | Richardson Milling   | Reporting Deadline       | Email               |
| Sioux Plating     | Reporting Deadline       | Meeting             | Nutra Flo            | Reporting Deadline       | Email               |
| Prince Hydraulics | Reporting Deadline       | Email               | Organon (Aspen API)  | Reporting Deadline       | Email               |
|                   |                          |                     | Curly's Foods        | Reporting Deadline       | Email               |
|                   |                          |                     | Aramark              | Reporting Deadline       | Email               |
|                   |                          |                     | Royal Canin          | Reporting Deadline       | Email               |
|                   |                          |                     | Sioux Plating        | Reporting Deadline       | Meeting             |
|                   |                          |                     | FIMCO                | Reporting Deadline       | Email               |
|                   |                          |                     | Prince Manufacturing | Reporting Deadline       | Email               |

Question #10: Per the Pretreatment Manager the SIU's found in Significant Non-Compliance (SNC) are as follows:

- a. 2013 No change following file review.
- b. 2014 No change following file review.
- c. 2015 No issued SNC.

We are still gathering information on this item and will provide an update as soon as we have gathered the facts.

Question #11: Regarding the method the City will use to evaluate its need for additional staff. This is an ongoing process. It begins with routine communication from the Pretreatment Manager that outlines routine and special duties and the time available to accomplish both. It is the role of the Pretreatment Manager, in conjunction with the WWTP Superintendent to make the Utilities Director aware of increasing workloads and then project if there will be a shortfall. Annually an "Improvement Request" can be developed and elevated through the budgeting process for consideration by the City Manager and City Council (upon agreement by the City Manager). This is the process that was used recently to seek approval for a new Compliance Technician position. Approximately \$100,000 was invested into new software and computer hardware, as well as some technical support from the software vendor. The purpose of this improvement was to reduce the data entry burden of staff (typically the Laboratory Supervisor) and to further enhance accuracy and productivity. As the Pretreatment Manager has mentioned in other correspondence, some changes in job responsibilities and reporting were accomplished over the last year. Essentially the direct oversight of the odor control program was elevated from the Pretreatment Managers duties to the WWTP Superintendent. The Superintendent has full authority to utilize his staff to assist with odor control, but the burden of oversight for this program now rests with him. In addition, the Pretreatment Manager and Lab Supervisor now individually report to the Superintendent. The Pretreatment Manager can still utilize lab staff for assistance as needed, however she simply needs to keep the Superintendent informed of her needs. She can also utilize the full-time Administrative Secretary or other Administrative support staff, when needs arise. This serves to reduce the need for the Pretreatment Manager to attend some meetings, thereby freeing up some of her time. Our approach to evaluation of the need for additional staff is ongoing and with the addition of the Compliance Technician, as well as the addition of reduction in number of industries, as well as changes in our region, we will continue to evaluate personnel and support needs.

Question #12: Regarding training provided to the Laboratory Supervisor and the Environmental Services Analyst (ESA) to prepare them to conduct industrial inspections; please see response to Question 6 above. At this point we do not intend to utilize our ESA in direct support of the Pretreatment Program. This is due to several factors that have changed since we had proposed utilizing the ESA including her workload.

Question #13: Names and dates of each 2016 industrial inspection are shown in the table below.

| Industry                | Date    | Time     | Industry                         | Date                        | Time     |
|-------------------------|---------|----------|----------------------------------|-----------------------------|----------|
| AGP                     | 7/25/16 | 9:00 am  | Nutra-Ferma                      | 6/2/16                      | 2:00 pm  |
| Aramark                 | 7/8/16  | 9:00 am  | Nutra-Flo                        | 7/20/16                     | 2:00 pm  |
| Barto Trucking          | 7/6/16  | 3:00 pm  | Organon (Merk API)               | 5/20/16                     | 9:00 am  |
| Big Ox<br>Siouxland     | 7/14/16 | 9:30 am  | Premium Iowa<br>Pork             | 5/27/16                     | 11:00 am |
| BPI                     | 7/13/16 | 1:00 pm  | Prince Hydraulic                 | 7/21/16                     | 11:00 am |
| Cargill                 | 8/4/16  | 8:30 am  | Richardson Milling               | 7/28/16                     | 9:00 am  |
| CHS                     | 8/10/16 | 10:00 am | Royal Canin                      | 6/22/16                     | 3:00 pm  |
| Cloverleaf              | 7/13/16 | 11:00 am | Sara Lee                         | Permit Terminated           |          |
| Curly's Foods           | 9/30/16 | 9:00 am  | Sioux Laundry                    | 7/19/16                     | 3:00 pm  |
| Darling                 | 7/26/16 | 11:00 am | Sioux Plating                    | 8/10/16                     | 1:00 pm  |
| Elite<br>Manufacturing  | 7/20/16 | 9:00 am  | Siouxland<br>Galvanizing         | 5/20/16                     | 1:00 pm  |
| Feed Energy             | 7/25/16 | 11:00 am | Soo Tractor<br>Hawkeye           | Facility closed             |          |
| FIMCO                   | 8/15/16 | 2:00 pm  | Soo Tractor W. 1 <sup>st</sup> . | Facility closed             |          |
| Gelita                  | 9/6/16  | 11:00 am | T&A Truck Wash                   | 6/3/16                      | 2:00 pm  |
| Global Foods            | 7/19/16 | 1:00 pm  | Trans Co Railway                 | 6/16/16                     | 9:00 am  |
| Greenlight<br>Truckwash | 7/6/16  | 1:00 pm  | Triumph/Seaboard                 | N/A; opening summer of 2017 |          |
| Hepar<br>Bioscience     | 8/15/16 | 1:00 pm  | Turpak                           | 6/6/16                      | 3:00 pm  |
| Interbake               | 7/14/16 | 1:30 pm  | Vershoor                         | 6/6/16                      | 1:00 pm  |
| Jackson<br>Pumping      | 5/20/16 | 4:00 pm  | Wilson Trailer                   | 8/10/16                     | 1:00 pm  |
| Mobren                  | 5/20/16 | 11:00 pm |                                  |                             |          |

Question #14: The sampling events conducted at Categorical sites in 2016 are shown in the table below:

| CIU                   | Sample Date    |
|-----------------------|----------------|
| Elite                 | Zero Discharge |
| FIMCO                 | 12/20/16       |
| Prince Hydraulic      | 2/29/16        |
| Sioux Plating         | 12/20/16       |
| Siouxland Galvanizing | Zero Discharge |
| Trans Co.             | Zero Discharge |
| Wilson Trailer        | 12/20/16       |

Question #15: List of all potential industrial sources that were sent an Industrial Waste Survey form, please see table below:

| IWS Category                | IWS Sent            | Number of follow ups | Related issues       |
|-----------------------------|---------------------|----------------------|----------------------|
| Car Wash                    | 21                  | 4                    | Grit Separators      |
| Car Dealership/Repair       | 35                  | 10                   | Grit Separators/SPCC |
| Implement/Heavy Eq.         | 37                  | 12                   | Grit Separators/SPCC |
| Labs                        | 4                   | 1                    | Waste disposal       |
| Metal Finishers/Fabrication | 12                  | 3                    | Chemical storage     |
| Dental Offices              | 37                  | 0                    | 8 amalgam separators |
| Company                     | 108                 | 18                   | Chemical storage     |
| TOTAL                       | 254                 | 48                   | N/A                  |
|                             |                     |                      |                      |
| <b>FSE</b>                  | <b>Registration</b> | <b>Returned</b>      | <b>Inspections</b>   |
| Sioux City                  | 429                 | 429                  | 133                  |
| Sister City                 | 95                  | 35                   | 6                    |
| TOTAL of ALL                | 524                 | 464                  | 139                  |

The City tentatively intends to complete the Industrial Waste Stream Survey process as soon as possible, with a target date of December 2017.



## ENFORCEMENT RESPONSE PLAN

### General Introduction:

The Enforcement Response Plan (ERP) as referenced in the Sioux City Municipal code, contained herein, provides a framework for determining the appropriate response for identified violations of the City of Sioux City Municipal Code, Iowa Administrative Code and/or any regulations contained or referenced in 40 CFR 403. The ERP has been developed to ensure the following:

- Identification and control of industrial discharges to comply with the Federal Pretreatment Program Regulations,
- Compliant operation of the Publicly Owned Treatment Works, furthermore referred to as the Wastewater Treatment Plant (WWTP). This includes devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other device or equipment necessary for the conveyance of wastewater to the WWTP,
- Enforcement actions issued appropriate to the nature and severity of the violation,
- Guidance to encourage uniform application of enforcement to violations, and
- Ensure Best Management Practices are utilized by Industrial Users (IU) to meet standards and limits.

The Pretreatment Manager, as designated by the Director, has the authority to ensure that the federally required, state approved Pretreatment Program is implemented in its entirety and that enforcement is carried out in a timely and appropriate manner. The Pretreatment Manager is responsible for the following:

- Deny, approve or require additional treatment to, increased or decreased contributions of pollutants, or changes in the nature of pollutants discharged to the WWTP,
- Require compliance with applicable pretreatment standards and requirements through permit, contract, or other means to control pollutant contributions to the WWTP by each industrial user,
- Require development compliance schedules where necessary by each industrial user and the submission of all notices and self-monitoring reports as necessary to assure compliance,
- Carry out all inspection, surveillance and monitoring procedures to determine compliance independent of information supplied by the industrial user,
- Obtain remedies for noncompliance, including the ability to seek injunctive relief, civil or criminal penalties, and/or collect liquidated damages, and
- Comply with the confidentiality requirements and limitations on data restrictions specified in 40 CFR 403.14.

This Guide is a matrix which describes violations and indicates a range of appropriate enforcement options. The Guide defines the range of appropriate enforcement actions based on the nature and severity of the violation and it promotes consistent and timely use of enforcement remedies, entitled to the City of Sioux City through the approved Pretreatment Program.

Identification of noncompliance:

The Pretreatment Manager shall be responsible for the issuance and compliance tracking of all discharge permits. Permits shall be issued for a duration of three years, with permit renewal applications due to the Pretreatment office 90 days prior to the expiration of the permit. Significant industrial user (SIU) compliance is determined monthly based on sample data collected and reported by the City's certified lab. If an SIU is found in non-compliance, a Notice of Violation (NOV) shall be issued. The SIU will have 10 calendar days from receipt of the NOV to submit a formal response back with a detailed explanation of the violation and a compliance plan, with timeline, for the satisfactory correction and prevention of repeat violations of the same nature. A response is mandatory and must be submitted within the allotted time to the Sioux City Pretreatment office. Failure to respond in a timely manner or failure to remediate the identified violation shall result in further enforcement actions.

Categorical industrial user (CIU) compliance is determined once every 6 months based on self-monitoring reports submitted to the Pretreatment office. Reports are due by June 30 and December 31. All self-monitoring reports must contain the analytical report from the lab for the samples collected and submitted and a signed self-monitoring report with the appropriate certification statement(s).

- If an SIU is found in non-compliance, a Notice of Violation (NOV) shall be issued. The SIU will have 10 calendar days from receipt of the NOV to submit a formal response back with a detailed explanation of the violation and a compliance plan, with timeline, for the satisfactory correction and prevention of repeat violations of the same nature. A response is mandatory and must be submitted within the allotted time to the Sioux City Pretreatment office. Failure to respond in a timely manner or failure to remediate the identified violation shall result in further enforcement actions.
- If a CIU is found in violation of a discharge parameter, the CIU shall have 30 days to submit additional samples to demonstrate that the discharge is in compliance, failure to do so will result in the issuance of additional enforcement actions.

Please be advised that if your compliance plan is not acceptable to the City of Sioux City additional requirements may be imposed as part of your proposed compliance plan or separately as a compliance schedule.

Compliance Sampling:

Pretreatment staff shall be responsible for the sample collection and analysis on all wastewater samples, taken from the collection system and industrial users (IU), at least annually.

- For all permitted industrial contributors, discharging more than 25,000 gpd; discharge samples shall be collected from the discrete sampler.
- For all permitted industrial contributors discharging up to 25,000 gpd; discharge samples shall be collected from a portable sampler.
- For all categorical permitted industrial contributors discharge samples shall be collected from a portable sampler.

Based on the location of the sample and the resultant laboratory analysis, the determination shall be made on whether or not the identified contributor is in compliance with the appropriate discharge limits.

If a contributor cannot be identified, then a collection system sampling event may be necessary to track down the contributor responsible for the issue of non-compliance. For all collection system sampling, a composite sampler shall be placed at, or close to, the closest sampling location

available of the suspect discharger, and then up and downstream of the suspect discharger if possible.

Identification of non-domestic users:

Updates to the non-domestic inventory shall be made at least annually as part of the annual Pretreatment Report to the IDNR. The inventory is also reviewed through the following mechanisms; weekly Design Review Criteria meetings for new businesses in Sioux City, monthly updates provided by the sister cities as required by the 28E (Sewage Treatment) Agreements for treatment of wastewater discharged, monthly data review of the influent plant data, data evaluation from collection system sampling, data review from semi-annual priority pollutant evaluation of the influent and effluent samples, data review from 503 sludge analysis and Pretreatment office will also complete a sewer use survey every ten years to determine what contributors are discharging nondomestic wastewater to the WWTP. Discharge permits shall be issued when necessary and applicable.

Enforcement Procedures:

Once a discharge violation is identified it is reviewed, evaluated, and addressed by the appropriate enforcement response. The appropriate enforcement action is administered by the Pretreatment Manager. The date of the violation serves as the start date for any future actions. Sustained violations will result in escalated enforcement action up to Criminal Action Law Suit.

The following criteria are considered when determining the proper enforcement action; magnitude of the violation, duration of the violation, effect of the violation on the WWTP, effect of the violation on the receiving water, compliance history of the industrial user, and good faith of the user.

Prior to the issuance of an enforcement action, the Pretreatment Manager may decide that based on the type or nature of the violation, or based on an identified issue of concern, verbal notification, warning letters and/or an informal meeting may be appropriate. All of these instances shall be documented and placed in the industrial user's file as support for future enforcement actions of the same nature where necessary.

Enforcement Actions:

Based on the severity of the violation, the Pretreatment Manager may, at any time, escalate enforcement without following the suggested hierarchy. The enforcement actions entitled to the Pretreatment Manager include but are not limited to:

1. **General.** It shall be the duty of the Pretreatment Manager to enforce the provisions of the Municipal, Iowa Administrative and Federal Code pertaining to the management of the sanitary sewer and all discharges thereof.
2. **Notice of Violation (NOV).** Whenever the Pretreatment Manager finds that any contributor, permitted or unpermitted, has violated or is violating the provisions referenced herein the contributor shall be issued a written notice of the violation:
  - a. The contributor is required to provide, in writing, to the Pretreatment Manager within ten (10) business days of receipt of an NOV with:
    - i. An explanation of the violation,
    - ii. A plan for the satisfactory correction of the violation,
    - iii. A plan for the prevention of future similar violations, including specific required actions and specific compliance schedules.
  - b. Submission of this response in no way relieves the contributor of liability for any violations occurring before or after receipt of the notice. If the nature and cause of the violation is not corrected, and the discharge continues to violate provisions referenced herein, the Pretreatment Manager

may implement a compliance schedule for corrections of the violation, which will become an addendum to the issued permit where applicable.

3. **Fines/Penalties.** Any contributor identified as violating the provisions herein shall be considered guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) per violation per day, for the duration of the violation. Violations, however, can be fined for multiple discharge violations. Fines shall be issued where applicable following the penalty structure, including but not limited to:

- a. First infraction- NOV
- b. Second infraction- \$175.00 per day per violation
- c. Third infraction - \$350.00 per day per violation
- d. Fourth infraction-\$500.00 per day per violation
- e. Fifth infraction- \$750.00 per day per violation
- f. Continued non-compliance will result in the issuance of \$1,000.00 per day per violation
  - i. If necessary, based on the magnitude or impact the Pretreatment Manager may decide that the nature of the violation is serious enough to issue \$1,000.00 per violation immediately.
  - ii. Additionally, where a monthly average permit limit is being considered for compliance, each consecutive month of a non-compliance status for any parameter shall be considered a repeat violation and escalating enforcement actions shall be taken including an escalation in fines.

4. **Significant Non-compliance (SNC).** When applicable, based on SNC criteria, a contributor shall be placed in Significant Non-compliance in accordance with 40 CFR Part 403.8(f)(2)(viii) of the Code of Federal Regulations. This requires public notice in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by City of Sioux City, and fines/penalties if applicable, if the contributor is found in SNC of any of the following:

- a. Chronic Violation, where 66% or more of the samples results for a parameter exceed the daily maximum, 4-day average, and/or monthly average limit in a six month period.
- b. Technical Review Criteria (TRC), where 33% or more of the test results for a parameter exceed the daily maximum, 4-day average, and/or monthly average limit by more than the TRC multiplier.
  - i. Conventional Pollutants (BOD, TSS, FOG) = 1.4 x the standard/limit.
  - ii. All other pollutants (Metals, Cyanide, and all other toxics) = 1.2 x the standard/limit.
  - iii. pH shall be determined when the facility is 0.4 s.u. above or below the maximum or minimum threshold.
    1. For SNC determination the greatest exceedance is reported for a given calendar day when more than one pH analysis is being reported.
  - iv. Any other discharge that alone, or in combination with other dischargers has been identified to cause interference, and/or pass through of the WWTP, endangered the health of the WWTP personnel and/or the public, or has otherwise impaired or damaged the collection system and/or treatment processes, sludge quality or facilities.
  - v. Any discharge of a pollutant that causes imminent endangerment to human health, welfare or to the environment and has resulted in



the WWTP's exercising its emergency authority to halt or prevent such a discharge.

- vi. Failure to meet compliance schedule milestone dates or failure to attain final compliance within 90 days after the compliance schedule deadline.
  - c. The SNC will also require immediate action to resolve, prevent or mitigate further violations of the same nature from occurring again and if necessary a compliance schedule shall be issued.
  - d. All violations of a pH limit shall be considered individually enforceable and shall be issued a \$1,000.00 fine for each individual violation.
5. **Compliance Hearing.** The Pretreatment Manager may hold such hearings with all responsible parties to address repeat issues of non-compliance. A compliance schedule if necessary will be agreed upon and implemented.
  6. **Compliance Schedules.** The Pretreatment Manager is empowered to enter into Compliance Schedule, assurance of voluntary compliance, or other documents establishing an agreement with the contributor responsible for the identified violation(s). Such agreements shall include specific action(s) to be taken by the contributor to correct the violation(s) within a time period specified by the order and shall be issued as an amendment to the permit. If the contributor is not currently permitted, a permit shall be issued. Compliance schedules shall be issued for a duration of 12 months, but not to exceed 24 months, unless otherwise deemed necessary and agreed upon.
  7. **Injunctive Relief/Termination of Service.** In case any contributor has violated or is violating the provisions herein, the Pretreatment Manager may make recommendation to petition the City Attorney for the issuance of a preliminary or permanent injunction or both, which restrains or compels the activities on the part of the person. The City shall have such remedies to collect all associated fees as are available to collect other sewer service charges.
  8. **Civil Litigation.** It shall be the decision of the City Legal Department to determine if the information presented by the Pretreatment Manager is unlawful; the City in addition to other remedies may institute appropriate actions for legal or equitable relief.
  9. **Criminal Actions.** Any contributor who willfully or negligently violates any of the provisions herein, or who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required pursuant to this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100 per violation per day or imprisoned in the county jail for a period not to exceed thirty (30) days. Each separate provision of this chapter violated shall constitute a separate offense. The Pretreatment Manager shall reference all instances of this nature to Region 7 EPA Pretreatment, including notification to the City Attorney.

#### Violations:

The following table summarizes the types of instances that shall be considered non-compliance. In some instances, multiple instances of non-compliance may be issued for the same occurrence depending on the nature and magnitude of the identified violation. The listed Enforcement Action in the table, is the initial enforcement action, under most circumstances. The Pretreatment Manager, may, depending on the type and magnitude of the violation, escalate enforcement without prior notification to the contributor. The criteria used to determine the appropriate level of enforcement action are:

- Demonstrated good faith of the identified contributor,

- Compliance history of the contributor,
- Previous success of the issued enforcement actions against the user,
- Violations effect on the environment/public health,
- Violations effect on the Wastewater Treatment Plant/Facility (WWTP).

The types of non-compliance include, but are not limited to the following:

#### I. Prohibited Discharge

| <u>Noncompliance Action</u> | <u>Nature of Violation</u>                           | <u>Under Most Circumstances-Initial Enforcement Action(s)</u>                                    |
|-----------------------------|--|--|
| 1. Un-permitted discharge   | Unintentional discharge, no harm to WWTP/Environment | Applicable fine, Permit May be Required  |
|                             | Unintentional discharge, harm to WWTP/Environment    | Applicable fine, Termination of discharge, Cost Recovery if applicable                           |
|                             | Intentional discharge without notification           | SNC, Applicable fine, Termination of Service, Cost recovery if applicable                        |
| 2. Permitted discharge      | Unintentional discharge/bypass                       | NOV, Applicable fine, Termination of discharge   |
|                             | Intentional discharge without notification           | SNC, Applicable fine, Termination of discharge, Cost Recovery if applicable                      |
|                             | Failure to Comply                                    | SNC, Applicable fine, Compliance Schedule, Termination of discharge, Cost Recovery if applicable |

#### II. Discharge Limit Violation

| <u>Noncompliance Action</u>              | <u>Nature of Violation</u>                                   | <u>Under Most Circumstances-Initial Enforcement Action(s)</u>  |
|--|--|--|
| 1. Exceedances of applicable regulations | Isolated, not significant                                    | NOV with Applicable fine   |
|  | Isolated, significant, no harm to WWTP/Environment           | NOV with Applicable fine   |
|  | Isolated, harm to WWTP/Environment                           | NOV and/or SNC with Applicable fine, Compliance Hearing, cost recovery as applicable, Termination of Service |
|  | Recurring exceedances, no harm to WWTP/Environment           | NOV and/or SNC with applicable fine, Consent Order, Termination of Service                                   |
|  | Recurring exceedances, significant, harm to WWTP/Environment | Hearing, Termination of Service, Civil and/or Criminal Actions as applicable                                 |

#### III. Monitoring and Reporting Violations

| <u>Noncompliance Action</u> | <u>Nature of Violation</u>   | <u>Under Most Circumstances-Initial Enforcement Action(s)</u>   |
|-----------------------------|--|---|
| 1. Reporting                | Improperly filed report  | NOV with applicable fine  |
|                             | Late Report (less than 30 days)  | NOV with applicable fine  |
|                             | Late Report (more than 30 days)  | SNC with applicable fine  |
|                             | Failure to submit requested/required report  | SNC with applicable fine, Compliance Hearing  |
|                             | Failure to report spill or discharge, no harm to WWTP/Environment                                    | NOV with applicable fine  |
|                             | Failure to report spill or discharge, harm to WWTP/Environment                                       | SNC with applicable fine, Compliance Hearing, Termination of Service, Civil and/or Criminal Actions as applicable |
|                             | Facility shut down without notification  | NOV with applicable fine  |
|                             | Significant changes in production or treatment without prior notification to the Pretreatment Office | NOV with applicable fine  |
| 2. Falsification            | Improper or misrepresentative information submitted.   | SNC with applicable fine, Compliance Hearing, Civil and/or Criminal actions as applicable                         |

|                              |  |                          |
|------------------------------|--|--------------------------|
| 3. Inadequate record keeping | Files are incomplete or missing or inaccessible upon request | NOV with applicable fine |
|------------------------------|--|--------------------------|

|   |  |  |
|---|--|--|
| 4. Failure to submit monitoring report              | Infrequent   | NOV with applicable fine issued from date that the report was due to when the report is received.  |
|   | Recurring failure to submit reports on time  | SNC with applicable fine issued from date that the report was due to when the report is received. Compliance Hearing   |
|   | Additional data not submitted (if a facility chooses to monitor any discharge parameter at a frequency more than what the regulatory requires, the facility shall report this data to the Pretreatment Office once every 6 months for categorical industries and once per month for significant users) | NOV with applicable fine issued from date that the sampling was to have been completed until the report is received, applicable revisions of sewer billing where necessary   |
| 5. Failure to monitor correctly                     | Failure to collect required discharge samples on the permitted frequency for compliance analysis   | SNC with applicable fine issued from the date that the sampling was to be completed to when the report is received, if the analysis results demonstrate additional non-compliance than additional fines shall be issued, Compliance Hearing, applicable revisions of sewer billing where necessary |
|   | Recurring failure to monitor correctly   | SNC with applicable fine the date that the sampling was to be completed to when the report is received, Compliance Hearing, applicable revisions of sewer billing  |
|   | Failure to monitor all pollutants as required  | NOV with applicable fine issued from date that the sampling was to be completed to when the report is received   |
| 6. Sample Tampering                                 | Improper sampling location, sample type, technique, sample collection, preservation.   | NOV with applicable fine   |
|   | Recurring issues with sampling location, sample type, sample collection, preservation.   | SNC with applicable fine, Compliance Hearing, Civil and/or Criminal actions as applicable  |
|   | Recurring improper sampling and Evidence of intent   | Immediate compliance hearing, SNC with applicable fine, Civil and/or Criminal actions as applicable  |
| 7. Failure to install required monitoring equipment | Delay of less than 10 days   | NOV with applicable fine issued from the date that the equipment was to be installed until the day that it is installed  |
|   | Delay of less than 30 days   | SNC with applicable fine issued from the date that the equipment was to be installed until the day that it is installed  |
|   | Delay of 30 days or more   | Compliance Hearing/Compliance hearing, additional fine for each day of continued non-compliance  |
| 8. Failure to maintain sampling equipment           | Day 1  | Initial Communication by City Staff  |
|   | Day 7*   | Refer to failure to monitor correctly  |
|   | Day 14*  | Refer to failure to monitor correctly (recurring failure)  |

\*In the event that an IU is not capable of rectifying the sampler issues the City will utilize a portable sampler and charge the IU \$150.00 per day rental fee for the sampler. The rental fee will be added to the monthly invoice.

## V. Chronic Violations

| <u>Noncompliance Action</u> | <u>Nature of Violation</u>       | <u>Under Most Circumstances-<br/>Initial Enforcement Action(s)</u>                                  |
|-----------------------------|----------------------------------|---|
| 1. Dilution                 | Isolated                         | NOV with Applicable fine  |
|                             | Recurring                        | SNC with Applicable fine, Compliance Hearing, Termination of Service                                |
|                             | Recurring and evidence of intent | Immediate compliance hearing, SNC with applicable fine, Civil and/or Criminal actions as applicable |
| 2. Bypass                   | Isolated                         | NOV with Applicable fine  |
|                             | Recurring bypass                 | SNC with Applicable fine, Compliance Hearing, Termination of Service                                |
|                             | Recurring and evidence of intent | Immediate compliance hearing, SNC with applicable fine, Civil and/or Criminal actions as applicable |

### Appeal of an issued enforcement action:

Once a violation is issued, the identified recipient is expected to respond and to pay all applicable fines within the issued timeframe. The recipient may submit an appeals request within 30 days of receipt of a violation for the issued enforcement action. Under circumstances where the fine money issued can be used towards a supplemental compliance project, the Pretreatment Manager shall review and make recommendation to the Director on a case by case basis. If the recipient has defensible data for the re-evaluation of the enforcement action, this too shall be reviewed by the Pretreatment Manager and recommendation made to the Director on a case by case basis.

### Enforcement Response Plan Revisions:

\*Revised Enforcement Response Plan effective August 1, 2012.

\*\*Revised September 9, 2016 per DM



February 6, 2017

Mr. Naji Ahmed  
Mr. Paul Marshall  
USEPA REGION 7  
300 Minnesota Avenue  
Kansas City, KS 66101

via email: [Ahmad.Naji@epa.gov](mailto:Ahmad.Naji@epa.gov)  
via email: [Marshall.Paul@epa.gov](mailto:Marshall.Paul@epa.gov)

Re: UPDATE to our February 25, 2016 letter regarding the February 19, 2016 Notice of Potential NPDES Permit Violation

The following shall serve as a response to the July 25, 2016 Report of EPA Region 7 Pretreatment Audit, and an update to the City of Sioux City response letter (dated February 25, 2016) to the Notice of Potential Violation following the Pretreatment Audit, which took place February 16-19, 2016. Following the audit the City of Sioux City was issued a Notice of Potential Violation (NOPV) which identified five observations that were concerning to the full implementation of the Pretreatment Program. In addition, the audit report and accompanying CD ROM was received. Below are updated responses to the five items outlined in the NOPV:

1. ***"The City of Sioux City failed to abide by the guidelines of the Enforcement Response Plan (ERP), especially, those instances when the ERP and the city ordinance required issuing violations with fines to industries that violated the pretreatment regulations."***
  - a. As recommended, the ERP has been amended to list the person/position responsible for each level of enforcement action available and language has been added for the identification of pH as a separate parameter of concern:
    1. The ERP amendments have been reviewed by the Utilities Director, the Wastewater Treatment Plant Superintendent, and the Pretreatment Manager. A draft was submitted to Mr. Paul Marshall of EPA Region 7 on September 19, 2016 by the Pretreatment Manager. The Utilities Director was notified in January, 2017 that the draft appeared to meet EPA requirements and requested that staff place it on an upcoming city council agenda for action. The plan shall be submitted to City Council for review and approval in February, 2017.
    2. Within three (3) weeks following council approval, the City shall notify all permitted industrial facilities of the modifications and request that a certification statement be submitted confirming that each facility has received, read, and understood the ERP and its intent. As those certification statements are returned they will be placed on file in our Pretreatment Office. If EPA would like a copy of those, please advise.
  - b. Enforcement action steps have also been revised so that once the Pretreatment Manager recommends enforcement action to the Utilities Director, those actions will be reviewed quickly and typically supported. Any negotiation or modification of the issued enforcement actions shall be communicated, documented and kept in the pretreatment files at the WWTP, with copies in the Utilities Office at City Hall.

UTILITIES DEPARTMENT 405 6th Street • P.O. Box 447 • Sioux City, IA 51102

ADMINISTRATION

PH 712-279-6222

WWW [www.sioux-city.org](http://www.sioux-city.org)

ENVIRONMENTAL SERVICES

PH 712-279-6349

WASTEWATER TREATMENT PLANT

PH 712-279-6916

FAX 712-279-6191

WATER TREATMENT PLANT

PH 712-279-6150

FAX 712-279-6179

UNDERGROUND UTILITIES

1921 18th St. • Sioux City, IA 51105

PH 712-279-6164

FAX 712-279-6195

1. Face-to-face meetings and/or pretreatment update reports are being provided to the Wastewater Treatment Plant Superintendent and the Utilities Director as needed or requested. In addition, the WWTP Superintendent meets with all of his key staff, including the Pretreatment Manager on a weekly basis. Pretreatment concerns of any nature can be communicated at those meetings or at any other time.
2. ***"During the previous EPA's Pretreatment audit in 2010, it was noted to the City that communication, especially those related to enforcement, between the Pretreatment Manager and City officials outside of the Pretreatment Program is in serious need for improvement. It appears that the City continues to have this issue."***
  - a. As stated above, the ERP has been amended to list the person/position responsible for each level of enforcement action available, all generation of enforcement action shall be initiated and completed by the Pretreatment Manager in consultation with the Utilities Director and WWTP Superintendent.
  - b. Please see item 1.b.1 above.
3. ***"It is not clear if the City appropriately reported to EPA and IDNR, the correct compliance status of its industries in 2013, 2014, and 2015."***
  - a. All industrial files for 2013 and 2014 have been reviewed and the 2013 and 2014 reports were amended to contain these modifications.
  - b. The 2015 Annual Report was submitted to IDNR on February 29, 2016, no reporting modifications were necessary.
    1. The 2016 Pretreatment Report detailing violations and actions taken during the 2016 calendar year will be completed by March 1, 2017.
  - c. The 2013 and 2014 reports were resubmitted to the IDNR on April 20, 2016 and a copy of the reports were forwarded to Mr. Naji Ahmed, EPA Region 7.
    1. All of the industries identified as being in violation of a reporting requirement were notified that all future instances of this type of violation shall be subject to enforcement action.
  - d. No industrial user was found to be in Significant Non-Compliance during the 2013 and 2014 review. No publication of violations was necessary.
4. ***"The City of Sioux City, failed to fully implement its approved Pretreatment Program by not providing the adequate funds and adequate number of trained personnel to appropriately implement the Pretreatment Program which caused the City's failure to inspect all of its industries in 2015; and the City's failure to sample its Categorical industries since 2012."***
  - a. All industrial user inspections for 2016 have been completed and the reports are being finalized. These are anticipated to be summarized by April, 2017.
  - b. To date the Laboratory Supervisor has been trained to complete the inspections with, or in the absence of the Pretreatment Manager. While we work through the budgeting and civil service process to add other staff, the Pretreatment and FOG Programs have been authorized to develop an internship program where area college students are utilized for up to a 6 month period to provide assistance for these programs. This program was authorized by the City Manager soon after Mr. Ahmed issued his preliminary findings. While the role of these interns is limited to some extent, they provide valuable assistance to our regular staff and we hope to continue to use them for the foreseeable future.
    1. An intern for the FOG Program is a local college student who has been working with the program since June 20, 2016.
    2. An intern for the Pretreatment Program assisted the Program from June through early August of 2016.
    3. An intern for the Pretreatment Program is a local college student who began January 27, 2017.
    4. The proposed FY18 budget, which begins July 1, 2017 includes a request for a full-time Compliance Technician. This position will assist both the Pretreatment and FOG Programs. This position will be trained to complete inspections. We anticipate approval

of this position and would intend to begin advertising for it soon after formal budget approval by our City Council.

- c. The Pretreatment Program was provided with an additional vehicle for program oversight on January 10, 2017. Prior to this date if WWTP-assigned vehicles were unavailable when needed by the program, staff could utilize their own vehicle and submit a reimbursement request.
- d. Annual inspections shall be spread out as much as possible over a twelve month period to ensure that all inspections are completed on an annual basis.
- e. The required categorical sampling was scheduled and our Pretreatment Manager has indicated that all appropriate sampling had been completed prior to December 31, 2016 and all future sampling shall be conducted as required.
- f. The attached letter to IDNR is the request to reduce the approved industrial user sampling frequency to once per month for all SIU's, those > 25,000 gpd and one sample every 6 months for industrial users, those ≤ 25,000 gpd.
  - 1. We are requesting it be effective March 1, 2017.
- g. A software package and some additional hardware was purchased in the fall of 2016 that streamlines data entry. This was functional by November 1, 2016. Staff continues to work with the vendor to optimize this system, which will include report generation and industrial billing. It has reduced the amount of manual data entry required by program administrators so that time can be spent on program oversight.
- 5. ***"The last formal Industrial Waste Survey (IWS) was conducted in 2007. The City should conduct a formal IWS to account for all entities within the commercial and industrial community that may discharge to the Sioux City POTW."***
  - a. The City has completed an initial mailing as part of this requirement, 225 industrial sewer surveys were sent out. All but 92 have been returned, sorted and follow up visits completed, a final report shall be completed and sent to EPA following the survey finalization.
    - 1. Findings- no additional permits have been issued based on the information received, however, a number of follow up visits will be conducted to check on interceptor pump out/maintenance, SPCC compliance and spill prevention.
    - 2. A Notice of Potential Violation has been drafted and shall be issued to those who did not respond by the original deadline putting them on notice that they have an additional two (2) weeks to complete the form and return it or be fined \$500.00 per day thereafter.
  - b. FOG Program registration forms have been sent to Food Service Establishments in South Sioux City, Dakota Dunes, Sergeant Bluff, and North Sioux City.
    - 1. Meetings with the sister city administration and councils have been completed and all have granted full support of the program and its intent.
  - c. Sister Cities are working on municipal code revisions that will allow for their aide in program administration and for the Pretreatment Program to handle enforcement.
  - d. Sister Cities are working with Pretreatment Staff on obtaining compliance with the registration forms.
    - 1. Those who do not comply will receive a Notice of Potential Violation with an additional two weeks to respond or be fined \$500.00 per day thereafter

Please let us know if you have any questions or need anything additionally.

Sincerely,



Mark Simms, Utilities Director

cc: Jim Maynes, WWTP Superintendent  
File



October 31, 2016

Ben Hucka  
NPDES Permit Writer  
Iowa Department of Natural Resources  
502 East 9th Street  
Des Moines, IA 50319

Re: City of Sioux City Pretreatment Program Modification

In 2011 the City of Sioux City Pretreatment Program was approved to modify the sampling frequency to once per week for significant industrial users (SIU), those > 25,000 gpd, and once per month for industrial users (IU), those ≤ 25,000 gpd. Since that time, through collection system sampling for the identification of additional waste streams the city has permitted an additional 13 industrial/categorical users. Staff has worked diligently with the permitted industrial users on source identification/control within their own discharges and has seen significant reductions within the permitted industrial user group as well.

In 2015 the City of Sioux City Pretreatment Program was approved to modify local limits for TSS, removing this parameter as a local permit requirement due to industrial source identification and control. The WWTP continues to meet the influent loading requirements based on EPA Local Limits Guidance Document, conventional pollutants not exceeding 80% of the treatment facility influent design capacity do not have to be controlled through the use of local limits. The average influent data continues to be below the 80% threshold for Flow, TSS, BOD, and TKN.

The Pretreatment Program is requesting the following proposed sampling modification as a reflection of the time and investments made by City staff and the industrial community to control pollutants discharging and is in support of the time necessary to advance the program to administer the FOG Program and maintain overall Pretreatment Program compliance. The program has historically sampled more than necessary as an additional source of slug load prevention, based on the millions of dollars invested by the industrial community over the past few years, and their demonstrated control of pollutants discharging we have seen a significant reduction in their discharge concentrations. Currently, on average the program has 5 out of 28 permitted IU's discharging in excess of 2,000 mg/l BOD and/or in excess of 1200 mg/l TSS. The majority of the permitted group is less than or right at domestic strength for TSS. For these reasons, we are requesting that effective January 1, 2017 that the City of Sioux City Pretreatment Program permitted industrial user sampling be once a month for all SIU's for TSS, BOD, and FOG; once every 6 months for all IU's for TSS, BOD and FOG; and all Categorical Industrial Users shall be sampled once per year for the appropriate categorical sampling requirements.

In support of the program advancements and compliance, staff has submitted two improvement requests for the FY18 budget, which begins July 1, 2017. Staff is requesting two compliance technicians to help with program inspections/sampling and an additional vehicle for program administration. Upon your review and approval the Pretreatment Program will modify the

sampling schedule accordingly effective March 1, 2017. The City will continue to submit monthly discharge reports to each permitted industrial user, including the influent loading. These modifications will allow the City to improve the current system of industrial regulation and to capitalize on its opportunities to promote economic and community growth while maintaining water quality standards.

Please contact me with any questions you may have. We look forward to hearing from you.

Respectfully,

Desiree McCaslen  
Pretreatment Manager

CC: Paul Marshall, EPA Region 7  
Naji Ahmad, EPA Region 7  
Field Office #3  
File

**Action List - Pretreatment and FOG Program (taken from email response to EPA for 5 NOPV's from February, 2016 Audit)**

| Response from EPA received 8/1/16 and reviewed by Utilities Director on 8/2/16 |  | Lead Personnel                           | Supporting Personnel  | Due Date  | Status | Notes |
|--|--|--|-----------------------|---|--------|-------|
| <b>NOPV#</b>   | <b>Task</b>  |  |                       |   |        |       |
| 1  | Abide by guidelines of ERP   |  |                       |   |        |       |
|  | Amend ERP to list person/position responsible for each level of enforcement action available   | PT Mgr                                   | As needed- pls define | May 1, 2016 (EPA did not acknowledge or approve our plan. Regardless, we need to "catch up" asap). New date: August 8 to Sept for rw, then U.D. for rw Aug. 9.  |        |       |
|  | Seek EPA approval of amended ERP   | PT Mgr w/WW Supt                         | As needed             | U.D. to brief City Mgr. Aug. 17 or sooner   |        |       |
|  | City Council PCA/approval of ERP   | PT Mgr                                   | As needed- pls define | TBD   |        |       |
|  | Notify all permitted industries of modifications and seek certification statement  | PT Mgr                                   | As needed- pls define | TBD, but by Sept. 1, if practical   |        |       |
|  | Amend ERP to add enforcement language for pH as a separate parameter of concern.   | PT Mgr                                   | As needed- pls define | May 1, 2016 (EPA did not acknowledge or approve our plan. Regardless, we need to "catch up" asap). New date: August 8 to Sept for rw, then U.D. for rw Aug. 9.  |        |       |
|  |  | PT Mgr w/WW Supt                         | As needed             | U.D. to brief City Mgr. Aug. 17 or sooner   |        |       |
|  |  | WW Supt.                                 | As needed             | Send Aug. 18 or sooner  |        |       |
|  |  | PT Mgr                                   | As needed- pls define | TBD, but by Sept. 1, if practical   |        |       |
|  | Recommend enforcement actions to U.D., keep WW Supt. in the loop, he needs to rw.  | PT Mgr                                   | As needed- pls define | As needed   |        |       |
|  | Designate (in writing) backup staff and provide job shadow/training ops and define any needed equipment or supplies- then procure  | PT Mgr                                   | As needed- pls define | By Aug. 8 or sooner   |        |       |
|  | 2. Communication- develop improvement plan   | PT Mgr                                   | As needed- pls define | By Aug. 8 or sooner   |        |       |
|  | Propose a briefing schedule that involves key personnel- Program update, enforcement issues, other items- meeting with minutes   | PT Mgr                                   | As needed- pls define | By Aug. 8 or sooner   |        |       |
|  |  |  |                       | If necessary- amend and submit for 2013, 2014. Does 2015 need amended? May 1, 2016 (EPA did not acknowledge or approve our plan. Regardless, we need to "catch up" asap). New date: August 8 to Sept for rw, then U.D. for rw Aug. 9. |        |       |
|  |  |  |                       | U.D. to brief City Mgr. Aug. 17 or sooner   |        |       |
| 3  | Reporting correct compliance status of industries 2013, 2014, 2015   | PT Mgr                                   | As needed- pls define | Update WW Supt. and U.D.  |        |       |
|  | Letter to all permitted U/S to inform of reporting requirements and the requirements of the City to pursue enforcement action for non-compliance   | PT Mgr                                   | As needed- pls define | June 1, 2016 (EPA did not acknowledge or approve our plan. Regardless, we need to "catch up" asap). New date: August 8 to Sept for rw, then U.D. for rw Aug. 9.   |        |       |
|  | Were any U/S in SNC that were not issued an NOV? If so, comply with public notice soon after notifying U.  | PT Mgr                                   | As needed- pls define | U.D. to brief City Mgr.   |        |       |
|  | 2015 Annual report   | PT Mgr                                   | As needed- pls define | Completed   |        |       |
|  | Funds and staffing for inspections. Provide summary/briefing/report to U.D. on use of interns and areas of concern that still exist. Identify staff and resources felt necessary to maintain PT Program, FOG Program, Cell Sys analysis. | PT Mgr, Lab Supt., As needed- pls define | As needed- pls define | July 1, 2017 (EPA did not acknowledge or approve our plan. Regardless, we need to move ahead asap). In conjunction with operating budget process or sooner- Sept 8 to Sept for rw, then U.D. for rw Sept 14.                          |        |       |
|  | Train Lab Supt. and ESA to backup on inspections. Identify other staff to assist.  | PT Mgr and WW S As needed- pls define    | As needed- pls define | Prior to Nov. 1, 2016   |        |       |
|  | Confirm that inspection schedule has been spread out over 12 month period- provide schedule  | PT Mgr                                   | As needed- pls define |   |        |       |
|  | Identify categorical sampling needs, costs, and schedule. Seek approval from WW Supt. to conduct.  | PT Mgr                                   | As needed- pls define | WW Supt. provide schedule to U.D. and brief by Aug. 16  |        |       |
|  | Confirm IWS was completed and responses summarized. Provide summary to WW Supt.  | PT Mgr                                   | As needed- pls define |   |        |       |
|  | 5 and U.D.   | PT Mgr                                   | As needed- pls define | Jan. 31, 2017 or sooner   |        |       |
|  | Evaluate IWS responses and determine appropriate site visit schedule.  | PT Mgr                                   | As needed- pls define |   |        |       |
| OTHER  | Identify current job responsibilities per job descrip. Or other assigned duties. Provide a report that identifies areas assigned to you that could be delegated, removed, or possibly handled by others.                                 | PT Mgr, FOG Coordinator                  | As needed- pls define | Sept. 1, 2016 to WW Supt. Refine together, then final report and briefing to U.D. by Sept. 14.  |        |       |

RESOLUTION NO. 2017 - **0142**  
with attachments

RESOLUTION APPROVING AN ENFORCEMENT RESPONSE PLAN IN  
CONNECTION WITH THE PRETREATMENT PROGRAM AT THE  
WASTEWATER TREATMENT PLANT.

WHEREAS, pursuant to Section 13.07.110 of the Sioux City Municipal Code and as part of the Federal Pretreatment Program, the City is required to have an Enforcement Response Plan which outlines the appropriate enforcement action(s) for situations of industrial user non-compliance; and

WHEREAS, there is attached hereto and by this reference made a part hereof, an updated Enforcement Response Plan which should be approved as to form and content.

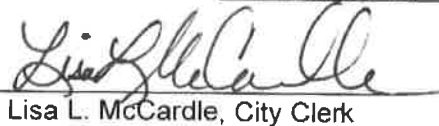
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the attached Enforcement Response Plan be and the same is hereby approved.

PASSED AND APPROVED: February 13, 2017



Robert E. Scott, Mayor

ATTEST:

  
Lisa L. McCardle, City Clerk



February 23, 2017

To: All permitted Industrial Users

Re: Enforcement Response Plan Update

Attached is the updated Enforcement Response Plan (ERP) which reflects the regulatory changes in the approved enforcement actions entitled to be administered in the event of non-compliance. The ERP allows for the identification and control of discharges and sets forth the guidelines by which these discharges can be enforced up on if necessary. The plan contains the following:

- Non-compliance identification
- Compliance Sampling
- Identification of non-domestic users
- Enforcement Procedures
- Enforcement Actions
- Types of Violations
- Appeal of issued Enforcement Actions

The ERP was submitted to City Council for review and approval on February 13, 2017 and replaces the previous ERP as of this date. All discharges as of February 13, 2017 are subject to the enforcement actions contained in the attached ERP.

Each industrial user is required to sign the enclosed certification statement that documents your receipt of the updated ERP. The certification statement must be received in the Pretreatment Office by March 6, 2017. You can scan and email the certification statement to [dmccaslen@sioux-city.org](mailto:dmccaslen@sioux-city.org). The required certification signature shall be considered a reporting requirement.

Please let me know if you have any questions. Thank you for your support in Pretreatment Program compliance.

Respectfully,

A handwritten signature in black ink, appearing to read "Desiree McCaslen", written over a horizontal line.

Desiree McCaslen  
Pretreatment Manager

Enclosed: Updated Enforcement Response Plan  
ERP Certification of Receipt

Cc: File



Pretreatment Program Enforcement Response Plan

**Certification of Receipt**

Date of Approved ERP Revision: 2.13.2017

Date of Approved ERP Implementation: 2.13.2017

Industrial User: \_\_\_\_\_ Permit #: \_\_\_\_\_

I certify that I have received the Updated Enforcement Response Plan for the City of Sioux City  
Pretreatment Program:

Received by (Print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Desiree McCaslen - Reporting Violations

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**From:** Desiree McCaslen  
**To:** Jay Rousseau(jay.rousseau@fimcoindustries.com); Rick Rohr; mike.norton...  
**Date:** 4/19/2016 1:12 PM  
**Subject:** Reporting Violations  
**Attachments:** FIMCO Self Monitoring Report (Metals).doc

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late/insufficient reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine.

Additionally, the facility is required to submit all required bi-annual sampling on the SMR forms that have been sent previously. I have attached a copy of the form to this email. For the submission to be in compliance the data results must be entered into the table, the SMR must be signed and dated and a copy of the lab report must accompany the SMR.

As of today, the annual Pretreatment Report has been amended to contain this information. Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

I do not need anything additional from you at this time. If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

Office: (712)-279-6987

Cell: (712)-898-6793

Fax: (712)-279-6191

 Before printing this e-mail, please determine if it is truly necessary



March 1, 2016

Dave Miller  
Sioux Plating  
428 E. 9<sup>th</sup> St.  
South Sioux City, NE 68776

Re: Notice of Violation(s) Sioux City Wastewater Discharge Permit No. 2014-02-C

As required by the reporting requirements contained in 40 CFR 403.12, permitted categorical industrial users shall submit compliance testing results and a certification statements during the month(s) of June and December. The Pretreatment Department received the appropriate "Report of Analysis" from the third party laboratory that demonstrates the nature and concentration of the pollutants in the effluent from your facility permitted under 40 CFR 433 regulations. The reported results were all below permitted limit.

Sioux Plating failed to submit the appropriate certification statements for both the June and December reports. For this reason Sioux Plating is being issued two (2) notices of violations for "Improperly filed report". The facility must sign and submit the attached Self-Monitoring Report (SMR) with the Report of Analysis to be compliant with the reporting requirements of 40 CFR 403.12 by June 30 and December 31 each year. Future failure to submit the SMR with signed certification statement shall result in enforcement action(s).

Additionally, the Report of Analysis submitted for the samples collected and analyzed 11/10-11/12/2015 show that the discharge during the sampling event was in violation of the following:

| Date of Violation | Parameter           | Amount Discharged (mg/L) | Permit Limit mg/L | Fine     |
|-------------------|---------------------|--------------------------|-------------------|----------|
| 11/12/2015        | Daily Max. Nickel   | 7.61                     | 3.98              | -        |
| 11/12/2015        | Monthly Avg. Nickel | 4.76                     | 2.38              | \$175.00 |

All identified violations require additional evaluation to determine if the level of violation was significant in nature. The above discharge limits of Nickel meet the criteria for Technical Review Criteria (TRC) Violations; 33% or more the test results for a parameter exceeded the daily maximum limit, or monthly average limit by more than the TRC multiple in a six month period. Sioux Plating is also being issued the following Notices of Significant Non-Compliance for TRC violations, which requires publication in the newspaper:



| Date of Violation | Parameter               | Amount Discharged (mg/L) | Permit Limit (mg/L) | Fine     |
|-------------------|-------------------------|--------------------------|---------------------|----------|
| 11/12/2015        | TRC Daily Max. Nickel   | 7.61                     | 4.776               | \$350.00 |
| 11/12/2015        | TRC Monthly Avg. Nickel | 4.76                     | 2.856               | \$500.00 |

All industrial users are required by 40 CFR 403.12 to report all instances of non-compliances within 24 hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis and submit the results to the repeat analysis to the Pretreatment Department within 30 days. Sioux Plating did not report the instance of non-compliance and to date no repeat analysis has been completed or reported. Sioux Plating is being issued two (2) notice of violations for failure to report the above instances of non-compliance and failure to repeat the analysis for the identified violation.

For the above identified instances of non-compliance in 2015, Sioux Plating is being issued \$1,050.00 in fines.

Sioux Plating has ten (10) calendar days to resample the discharge for Nickel. The Report of Analysis for the sampling event shall be due by April 1, 2016. Failure to complete the sampling and/or submit the report within this timeframe shall be considered Significant Non-Compliance and an additional fine of \$2,000.00 shall be issued and will require publication in the newspaper.

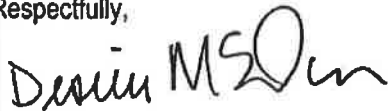
Furthermore, the attached SMR for June and December 2015 need to be filled out and submitted to the Pretreatment Department within ten (10) calendar days. Failure to submit the required SMR(s) with certification statement shall be considered Significant Non-compliance and an additional fine of \$2,000.00 shall be issued and will require publication in the newspaper.

Additionally, as identified during the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late/insufficient reporting. The facility is required to submit all required bi-annual sampling on the SMR forms that have been sent previously. I have attached a copy of the form to this email. For the submission to be in compliance the data results must be entered into the table, the SMR must be signed and dated and a copy of the lab report must accompany the SMR. Based on a requested file review, your facility should have been issued a notice of violation and fine.

As of today, the annual Pretreatment Report has been amended to contain this information. Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

If you have questions or comments, please call me at 712-279-6987.

Respectfully,



Desiree McCaslen, City of Sioux City  
Pretreatment Manager

cc: IDNR Field Office #3  
File

## Desiree McCaslen - Reporting Violations

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**From:** Desiree McCaslen  
**To:** Lance Penfield  
**Date:** 4/19/2016 1:13 PM  
**Subject:** Reporting Violations  
**Attachments:** Prince Manufacturing Self Monitoring Report (Metals).doc

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late/insufficient reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine.

Additionally, the facility is required to submit all required bi-annual sampling on the SMR forms that have been sent previously. I have attached a copy of the form to this email. For the submission to be in compliance the data results must be entered into the table, the SMR must be signed and dated and a copy of the lab report must accompany the SMR.

As of today, the annual Pretreatment Report has been amended to contain this information. Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

I do not need anything additional from you at this time. If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

Office: [\(712\)-279-6987](tel:(712)279-6987)

Cell: [\(712\)-898-6793](tel:(712)898-6793)

Fax: [\(712\)-279-6191](tel:(712)279-6191)



Before printing this e-mail, please determine if it is truly necessary



March 1, 2016

Lance Penfield  
Prince Manufacturing Company  
4600 South Lewis Blvd  
Sioux City, IA 51106

Re: Notice of Violation Sioux City Wastewater Discharge Permit No. 2014-01-C

As required by the reporting requirements contained in 40 CFR 403.12, permitted categorical industrial users shall submit compliance testing results and a certification statements during the month(s) of June and December. The Pretreatment Department received the appropriate "Report of Analysis" from the third party laboratory that demonstrates the nature and concentration of the pollutants in the effluent from your facility permitted under 40 CFR 433 regulations. The reported results were all below permitted limit.

Prince Manufacturing failed to submit the appropriate certification statements for both June and December 2015 reports. For this reason Prince Manufacturing is being issued two (2) notices of violations for "Improperly filed report". The facility must sign and submit the attached Self-Monitoring Report (SMR) with the Report of Analysis to be compliant with the reporting requirements of 40 CFR 403.12 by June 30 and December 31 each year. Future failure to submit the SMR with signed certification statement shall result in enforcement action(s).

Prince Manufacturing has ten (10) calendar days to submit the attached SMR for June and December 2015. Failure to submit the SMR with signed certification statement shall be considered Significant Non-compliance and a fine of \$2,000.00 shall be issued and will require publication in the newspaper.

If you have questions or comments, please call me at 712-279-6987.

Respectfully,

A handwritten signature in black ink, appearing to read "Desiree McCaslen".

Desiree McCaslen, City of Sioux City  
Pretreatment Manager

cc: EPA Region 7  
IDNR Field Office #3  
File

## Desiree McCaslen - Permit Renewal Application

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**From:** Desiree McCaslen  
**To:** Darin Jensen  
**Date:** 4/19/2016 2:52 PM  
**Subject:** Permit Renewal Application

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine. As of today, the annual Pretreatment Report has been amended to contain this information.

Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

Office: (712)-279-6987

Cell: (712)-898-6793

Fax: (712)-279-6191



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## Desiree McCaslen - Permit Renewal Application

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**From:** Desiree McCaslen  
**To:** Scott Steinke  
**Date:** 4/19/2016 3:44 PM  
**Subject:** Permit Renewal Application

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine. As of today, the annual Pretreatment Report has been amended to contain this information.

The previous permit expired 4/13/2014. The permit renewal was due by 1/14/2014 but was not received until after the deadline and it was not appropriately signed. The next permit renewal is due 1/14/2017. I will send them out about 6 months prior to their due date.

Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

Office: (712)-279-6987

Cell: (712)-898-6793

Fax: (712)-279-6191



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## Desiree McCaslen - Permit Renewal Application

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**From:** Desiree McCaslen  
**To:** Audie Baughman  
**Date:** 4/19/2016 2:56 PM  
**Subject:** Permit Renewal Application

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine. As of today, the annual Pretreatment Report has been amended to contain this information.

Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

Office: (712)-279-6987

Cell: (712)-898-6793

Fax: (712)-279-6191



Before printing this e-mail, please determine if it is truly necessary

## Desiree McCaslen - Permit Renewal Application

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**From:** Desiree McCaslen  
**To:** Brian Herbst  
**Date:** 4/19/2016 2:55 PM  
**Subject:** Permit Renewal Application

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine. As of today, the annual Pretreatment Report has been amended to contain this information.

Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

Office: (712)-279-6987

Cell: (712)-898-6793

Fax: (712)-279-6191



Before printing this e-mail, please determine if it is truly necessary

## Desiree McCaslen - Permit Renewal Application

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**From:** Desiree McCaslen  
**To:** jay.wisecup@uniform.aramark.com  
**Date:** 4/19/2016 2:57 PM  
**Subject:** Permit Renewal Application

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine. As of today, the annual Pretreatment Report has been amended to contain this information.

Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

Office: (712)-279-6987

Cell: (712)-898-6793

Fax: (712)-279-6191

 Before printing this e-mail, please determine if it is truly necessary



## Desiree McCaslen - Permit Renewal Application

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**From:** Desiree McCaslen  
**To:** douglas.hammer@effem.com; peter.steinbach@effem.com; steve.young@effem...  
**Date:** 4/19/2016 2:58 PM  
**Subject:** Permit Renewal Application

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During the EPA Pretreatment Audit, February 16-19, 2016, the City was found in negligence of issuing appropriate enforcement actions relating to late reporting. The permit renewal application for your facilities discharge permit was due to the Pretreatment Office 90 days prior to the permit expiration date. Based on a requested file review, your facility should have been issued a notice of violation and fine. As of today, the annual Pretreatment Report has been amended to contain this information.

Please be advised that if the facility does not meet any future reporting requirements enforcement actions shall be taken.

If you have any questions please let me know.

Thanks.

*Desiree McCaslen*

Pretreatment Manager

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Fax: (712)-279-6191

 Before printing this e-mail, please determine if it is truly necessary

## City of Sioux City

### Compliance Technician

#### Category

PATS

#### Department

Wastewater Treatment Plant

#### Pay Rate

\$15 - HE help?

#### Job Code

?

DRAFT  
(Example)  
ONLY

#### Job Description

##### PURPOSE OF POSITION

Under the general direction of the Pretreatment Manager, complete compliance monitoring, site inspections and laboratory analysis as part of the Industrial Pretreatment and Fats, Oil and Grease programs. Work in partnership with other employees, departments/divisions, external entities, and the public in delivering effective and innovative services provided by other departments, divisions, and external entities.

##### ESSENTIAL DUTIES OF POSITION (with or without accommodation)

*The following duties are normal for this position. These are not to be construed as exclusive or all inclusive. Other duties may be assigned.*

- Complete the setup of portable samplers for the collection and evaluation of collection system, stormwater system, commercial and/or industrial contributors.
- Complete the setup of portable samplers for the collection and evaluation of Sister City discharges to track and monitor compliance with their 28E Discharge Agreements.
- Conduct collection system sampling and analysis for source identification and control of pollutants.
- Work with
- Complete site visits/inspections at commercial and/or industrial contributors.
- Make enforcement recommendations pertaining to the compliance of the Pretreatment Program.
- Make recommendations for program development and budget.
- Addresses inquiries and problems from industrial and stormwater users and handles citizen concerns and complaints regarding the industrial pretreatment program.
- Complete initial inspection pertaining to odor complaints.
- Complete collection system odor control monitoring.
- Make recommendations pertaining to enforcement and compliance of the Odor Control Program.
- Monitors for compliance with the terms of discharge and industrial permits; conducts sampling, tests, inspections, and re-inspections to ensure compliance and/or violations have been corrected.
- Prepare a variety of reports and correspondence.
- Maintains regular and punctual attendance and working hours.
- Regularly lifts up to 10 pounds and occasionally lifts up to 30 pounds.

- Expected to temporarily perform duties outside of normal classification in the event of a declared emergency. In the event that an employee is excused from work other than being sick, they will be required to report to work in a state of declared emergency.

## **Preferred Skills**

### **MINIMUM TRAINING AND EXPERIENCE REQUIRED TO PERFORM ESSENTIAL FUNCTIONS**

Bachelor's degree in chemistry, biology or environmental science, or a related field. Three or more years of previous experience in a water, wastewater, stormwater, laboratory or related environmental field preferred, but not required. Any equivalent combination of experience and training that provides the required knowledge, skill and abilities.

### **MINIMUM ABILITIES REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

#### Abilities

Ability to speak clearly so others can understand you, ability to see details at close range, ability to see details at a distance, ability to identify and understand the speech of another person, ability to listen to and understand information and ideas presented through spoken words and sentences. Skill in planning, scheduling, supervising, and inspecting the work of subordinate personnel; skill in motivating employees. The employee frequently is required to use hands to finger, handle or feel; reach with hands and arms; and smell. Ability to quickly move hands, hands together with arms, or two hands to grasp, manipulate, or assemble objects, ability to exert muscle force repeatedly or continuously over time; this involves muscular endurance and resistance to muscle fatigue, ability to use abdominal and lower back muscles to support part of the body repeatedly or continuously over time without 'giving out' or fatiguing, ability to quickly and repeatedly bend, stretch, twist, or reach out with body, arms and/or legs.

#### Job Knowledge

General knowledge of standard laboratory terminology, equipment, techniques, sampling practices and safety. General knowledge of National Pretreatment standards. Good knowledge of waste streams and their impact on the wastewater treatment plant compliance. Considerable knowledge of relevant sampling, analytical, data management and equipment maintenance techniques. Working knowledge of established procedural and analytical methods for sample handling, analysis and interpretation of results. Working knowledge of safety procedures and application of safety principles to chemical handling, use of equipment, facility maintenance and use of personal protective equipment. Thorough knowledge of safety practices and procedures. General knowledge of computers, word processing and spreadsheet software. Ability to establish and maintain effective communications and working relationships; good physical condition.

#### Language Skills and Interpersonal Communication

Requires effective communication skills and the ability to provide assistance to customers (external and internal). Requires the ability to write and speak effectively with fellow employees, City officials, regulatory agencies, consultants, and the general public; read in English; apply common sense understanding to the work process, procedures, programs and services; and to provide and follow verbal and written instructions. Requires the ability to work as a member of a team in order to accomplish tasks; the ability to establish and maintain effective working

relationships with citizens/customers; superiors, other City employees, contractors, and vendors; and the ability to relate to minorities, women, and other protected classes in the community at all socioeconomic levels.

#### Work Environment

Work is typically performed inside and/or outside and includes being exposed to cold, heat, noise, mechanical hazards, electrical hazards, chemical hazards, atmospheric conditions that affect the respiratory system, confined spaces, and use of a respirator. Visits locations within the community whose environment may be different. Travel in all types of weather extremes to attend training and/or organizes meetings conferences, and workshops; must be mobile and able to visit businesses within the metro area.

#### Special Requirements

Must possess a valid driver's license from the State of Iowa. Should strive to obtain progressively greater levels of Iowa Wastewater Operators Certification at every opportunity.

*ABC voluntary cert?*